

REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that: Claims 1, 3-9, 11-13, 15-19, 22-45, and 47-51 are pending the application, of which Claims 1, 3-9, 11-13, 15-19, 22-45, and 47-51 are subject to restriction and/or election of species.

The claims have been amended and new claims added as noted above.
Reexamination and reconsideration of the claims, as amended, are respectfully requested.

By the present amendment, Claims 38, 40, 41, 44, 45, 49-51 have been amended; new Claim 52 has been added; Group I, Species "A," Sub-species "d," are elected for further prosecution with Claims 1, 3-9, 12-13, 15, 19, 22-25, 48, and 52 readable thereon; and Claims 11, 16-18, 26-45, 47, 49-51 are withdrawn from consideration.

Thus, Claims 1, 3-9, 11-13, 15-19, 22-45, 47-52 are pending of which Claims 1, 3-9, 12-13, 15, 19, 22-25, 48, and 52 are under consideration.

However, Applicants respectfully request the reconsideration of the restriction requirement between Groups I and II, in light of the present amendment to Claim 38, 40, 41, 44, 45, 49-51, as discussed below.

Response to Office Action Paragraphs 1-4

Election/Restriction Requirement Under 35 U.S.C. §121

In the Office Action Examiner required restriction to one of the following inventions, as required under 35 U.S.C. 121:

- I. Claims 1, 3-9, 11-13, 15-19, 22-37, and 48 drawn to a balloon catheter, classified in class 606, subclass 194.
- II. Claims 38-45 and 49-51, drawn to method of using a balloon catheter, classified in class 604, subclass 920.

The Examiner stated that the inventions I and II are distinct since the "balloon catheter could be used in bodily lumens other than a blood vessel."

In response to the restriction requirement and election of species, Applicants elect Group "I" with traverse, in particular, in light of the amendment of Claims 38, 40, 41, 44, 45, 49-51, as described below.

By the present amendment, Claim 38, 40, 41, 44, 45, 49-51 have been amended to recite "body lumen" in place of "blood vessel."

Applicants respectfully submit that the present amendment obviates this restriction requirement between Groups I and II, and requests the withdrawal of the requirement.

As to Group I, in paragraph 4 of the Office Action the Examiner further required election of species "A" through "E", with additional election of sub-species "a" through "g" for the species "A."

As to the election of species requirement of Group I, as indicated above, Applicants elect species "A" sub-species "d" and identify Claims 1, 3-9, 12-13, 15, 19, 22-25, 48, and 52 readable thereon.

CONCLUSION

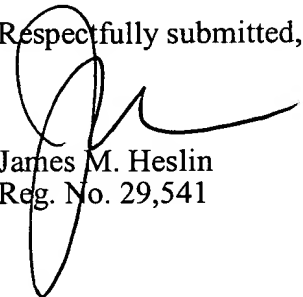
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/872,640
Amdt. dated May 27, 2003
Reply to Office Action of May 7, 2003

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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